

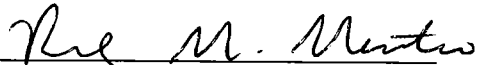
Defendants.

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Empire Blue Cross Blue Shield of New York's Motion to Dismiss Plaintiff's Complaint (filed in the Supreme Court of the State of New York, County of New York, on June 20, 2005, and removed to this Court on July 13, 2005) and the Declaration of Randy M. Mastro, dated August 22, 2005, Defendant Empire Blue Cross Blue Shield of New York ("Empire") will move this Court, before the Honorable Victor Marrero, at a time and date to be determined by the Court, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order dismissing Plaintiff Gail Harrison's Complaint, and granting Defendant such other and further relief that this Court deems just and proper. Pursuant to Local Civil Rule 6.1(b), any opposing affidavits and answering memoranda shall be served within ten business days after service of the moving papers, and any reply affidavits and memoranda of law shall be served within five business days after service of the answering papers.

Dated: New York, New York  
August 22, 2005

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Index No. 05 Civ. 6386 (VM) [ECF Case]

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GAIL HARRISON,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE COMPANY,  
HORIZON BLUE CROSS BLUE SHIELD OF NEW JERSEY  
and EMPIRE BLUE CROSS BLUE SHIELD OF NEW YORK,

Defendants.

NOTICE OF MOTION

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Due and proper service of a copy of the within  
is hereby admitted

Dated,

, New York